

Appl. No. 09/439,550  
Amndr. dated 12/06/04  
Reply to Office Action dated 07/30/04

### **III. REMARKS/ARGUMENTS**

These Remarks are in response to the Office Action mailed September 7, 2004. No fee is due for the addition of any new claims.

Claims 1, 3-4, and 6-16 were pending in the Application prior to the outstanding Office Action. The Office Action rejected claims 1, 3-4, and 6-16, and objected to claims 1, 3, 6, 12, and 15. The present response amends claims 1, 3-4, and 6-16, leaving for the Examiner's present consideration claims 1, 3-4, and 6-16. Reconsideration of the rejections is respectfully requested.

#### **1. Amendment to the Specification**

Although no objection was raised to the specification, Applicant has amended the specification to correct the reference to "the present invention provides" instead of "the present provides," thereby promoting greater definiteness.

#### **2. Claim Rejections Under 35 U.S.C. § 112**

The Office Action rejects claims 1, 3, 6, 12, and 15 under 35 U.S.C. § 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. The Office Action rejects claims 1, 3, 4, and 6-16 under 35 U.S.C. § 101 as directed to non-statutory subject matter. The Office Action specifically refers to unclarity and vagueness in claim 1's identification of the anchor point, in the definition of the radials, and in what is meant by at least one item relating to the anchor point. The Office

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Action notes that claim 3 has a similar problem and that claim 6 does not say how the anchor point is defined or how or what the item is that is associated to the anchor point. The Office Action further comments that claim 12 does not say how the anchor point is identified or how or what the item is that is associated with the anchor point, and that claim 15 does not say how the anchor point is identified or how the anchor point is defined. The Office Action states that the limitation in claim 3 of interpolating positions on a respective radial is unclear. The Office Action comments that claim 6 appears to have some steps out of sequence and claim 12 appears to have some steps omitted in the claim.

It is respectfully submitted that the current claim amendments eliminate the matter in claims 1, 3, 6, 12, and 15 to which the Office Action raises objections. Claims 1, 3, 6, 12, and 15, as well as dependent claims 7, 8, and 14, have been amended to refer to a centroid instead of an anchor point. Centroids are well known and use of this terminology promotes greater definiteness by clarifying how the centroids are identified and therefore clarifying how the radials are defined. Claims 1, 3, 6, 12, and 15, as well as dependent claims 7, 8, 10, 13, and 14, have been amended to refer to a data item instead of an item. These amendments clarify what is meant by at least one item by specifying that the items are data items.

An amendment of claim 3 specifies that according to the limitation of interpolating positions, each said position corresponds to a given location. Applicant thanks the Examiner for offering two possible alternative interpretations of this limitation in the Office Action. Applicant respectfully submits that the current amendment will best clarify and most effectively promote greater definiteness in claim 3.

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Amendments to claim 6 have been made to resolve the rejections due to the sequence of steps by placing next to the steps thereby modified the limitations "wherein said identifying a centroid includes: identifying said centroid in said database" and "wherein said associating comprises: associating information in said database with said plurality of radials, said information relating to said centroid." Similarly, amendments to claim 12 have been made to resolve the rejection due to the sequence of steps by placing next to the step thereby modified the limitation "wherein said defining a plurality of radials comprises: assigning a direction to each respective radial."

Although the Office Action did not object to the references to a "computer implemented" method, these references have been changed to more correctly refer to a "computer-implemented" method, thereby promoting greater definiteness.

Each of these amendments is supported by the specification.

### **3. Claim Rejections Under 35 U.S.C. § 101**

The Office Action rejects claims 1, 3, 4, and 6-16 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Amendments have been made to claims 1, 3, 4, and 6-16 to resolve the Office Action's rejections based on failure to claim a technological basis in the body of the claim. Therefore, claims 1, 3, 4, and 6-16 have been amended per the Examiner's suggestion to insert the limitation "in a computer" at the beginning of the list of steps in each claim. These amendments are supported by the specification.

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#### 4. Claim Objections

The Office Action objects to claims 1, 3, 6, 12, and 15 due to the limitations "defining plurality of radials." To resolve the Office Action's objections, these limitations in each of these claims have been amended to "defining a plurality of radials."

#### IV. CONCLUSION

As amended, claims 1, 3, 4, and 6-16 are believed patentable. Accordingly, withdrawal of the rejections is respectfully requested. It is respectfully submitted that all remaining claims, as amended in the subject patent application, should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of the patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Dated: 12/7/04

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